

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KAREN CASEY)	
1496 9th Street)	
Cuyahoga Falls OH 44221)	
)	Case No
Plaintiff,)	
)	JURY DEMAND ENDORSED HEREON
v.)	
)	VERIFIED CIVIL COMPLAINT
PRIME SOURCE CAPITAL)	
MANAGEMENT, LLC)	(Unlawful Debt Collection Practices)
3840 East Robinson Road)	
Amherst NY 14228)	
)	
Defendant.)	

VERIFIED COMPLAINT

KAREN CASEY (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against PRIME SOURCE CAPITAL MANAGEMENT, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Cuyahoga Falls, Summit County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in Amherst, New York.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant has been placing collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Defendant’s representative, Chris Taylor, left Plaintiff a voicemail message stating his “firm has been retained to handle a pre litigation matter out of Summit County” (see Exhibit “A”).
12. Defendant’s representative, Chris Taylor, left Plaintiff a voicemail message stating that “further action is likely” (see Exhibit “A”).

13. Defendant disclosed details of Plaintiff's alleged debt in voicemail messages left on Plaintiff's sister in law's answering machine (see Exhibits "B" and "C").
14. Defendant disclosed details of Plaintiff's alleged debt in voicemail messages left on Plaintiff's husband's answering machine (see Exhibit "D").
15. Defendant failed to inform Plaintiff in all subsequent communications that it is a debt collector (see Exhibit "A").

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692b(2) of the FDCPA by stating Plaintiff owes a debt to a third party.
 - b. Defendant violated §1692c(b) of the FDCPA by communicating with a third party in connection with the collection of Plaintiff's debt.
 - c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - d. Defendant violated §1692e(3) of the FDCPA by falsely representing that the communication is from an attorney.
 - e. Defendant violated §1692e(5) of the FDCPA by threatening legal action against Plaintiff even though such action is not intended to be taken.
 - f. Defendant violated §1692e(10) of the FDCPA by engaging in deceptive means to attempt to collect a debt by threatening Plaintiff with legal action.
 - g. Defendant violated §1692e(11) of the FDCPA by failing to disclose in

subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, KAREN CASEY respectfully requests judgment be entered against Defendant, PRIME SOURCE CAPITAL MANAGEMENT, LLC for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

18. Actual damages,

19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

20. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, KAREN CASEY, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk,
Attorney for Plaintiff

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF OHIO

Plaintiff, KAREN CASEY, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, KAREN CASEY, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

1/25/2011
Date


KAREN CASEY

EXHIBIT A

Hi, this is Chris Taylor. I am calling for Karen Casey. Our firm Prime Source has been retained to handle the pre-litigation matter out of Summit County, which does unfortunately list you Ms. Casey as the responsible party. I am calling to make you aware of the situation; more importantly try to help you out with this matter on a voluntary basis. You can reach me toll free at 1-877-463-1909. My direct extension is 369. It is very important that you do return this call today. If we do not hear back from you as soon as possible, I would highly suggest you retain some sort of representation as further action is likely to result.

EXHIBIT B

Hi Ms. Casey, this is Jonathan Duvall from the pre-litigation department for HSBC bank. I am trying get in touch with a Karen Casey and this number was left in contact. I have an application that was filled out by her. At this point in time, we are trying to discuss a pre-legal matter that concerns her. I need to hear back from either her or her attorney immediately. My number is 716-650-5574. Ms. Casey, if you are no longer in contact with Karen, please contact me back and let me know so I can remove your number. Thank you and have a great day.

EXHIBIT C

Hi, this is Chris Taylor. I am calling for Karen Casey. I do believe this is a relative of hers. Our firm Prime Source actually has been retained to handle a pre-litigation matter against Ms. Casey out of Summit County. It would be in her best interest if you could relay this message immediately. The toll free number here is 1-877-463-1909. I can be reached at extension 369. It is very important once again that we do hear back from Ms. Casey as soon as possible and also if you have any questions feel free to contact me. Thank you.

EXHIBIT D

Hi, this is Chris Taylor. I am calling for Karen Casey. Our firm Prime Source has been retained to handle the pre-litigation matter out of Summit County, which does unfortunately list you Ms. Casey as the responsible party. I am calling to make you aware of the situation; more importantly try to handle this matter on a voluntary basis. You can reach me toll free at 1-877-463-1909. My direct extension is 369. It is very important that you do return this call today. If we do not hear back from you as soon as possible, I would highly suggest you retain some sort of representation as further action is likely to result. Again the toll free number is 1-877-463-1909. My direct extension is 369.